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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,765

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EXAMINER

MANCHO, RONNIE M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,765	Applicant(s) HAMADA ET AL.	
	Examiner Ronnie Mancho	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 2 each, the phrase, "when anti-skid control for" lacks antecedent basis.

In claim 12, the phrase, "for terminating the braking force distribution control" lacks antecedent basis.

The rest of the claims are rejected for depending on rejected claims 1 and 12.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe (2002/0185913).

Art Unit: 3663

Regarding claim 1, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose a device for controlling braking of a vehicle, the vehicle having front and rear wheels, the device comprising:

a braking system ((figs. 1A&B) generating braking forces on the respective wheels (abstract, sec 0008, 0009, 0019-0021; figs. 1-5);

at least one sensor 96 (fig. 1B) monitoring an operational condition of the vehicle including a detector detecting an amount of a braking action by a driver of the vehicle (abstract, sec 0008, 0009, 0019-0021; figs. 1-5); and

a controller 92 (fig. 1B) that is configured to execute a braking force distribution control in which braking force on the front wheels is increased in comparison with braking force on the rear wheels (abstract, sec 0008, 0009, 0019-0021; figs. 1-5) when an operational condition monitored by a sensor among the at least one sensor satisfies a predetermined condition,

wherein:

braking force on the front wheels during execution of the braking force distribution control is increased (abstract, sec 0008, 0009, 0019-0021; figs. 1-5), wherein a braking force increment on the front wheel is determined based upon an increment of the braking action by the driver detected by the detector (abstract, sec 0008, 0009, 0019-0021; figs. 1-5); and

when antiskid control for either of the front wheels is executed (0062, 0068, 0075; figs. 4-5), the braking force increment on the front wheels is decreased.

Regarding claim 2, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 1, characterized in that braking force on the rear wheels is increased when the anti-skid control is executed.

Art Unit: 3663

Regarding claim 3, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 1, characterized in that the braking force increment on the front wheel is decreased until the increment reaches to zero.

Regarding claim 4, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 1, characterized in that the decreasing of the braking force increment on the front wheel is interrupted if the anti-skid control is terminated but the increment does not reach to zero.

Regarding claim 5, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 1, wherein the braking system comprises a hydraulic circuit connected with a master cylinder and braking force generating apparatus including wheel cylinders provided for the respective wheels; and the braking action is reflected in a pressure in the master cylinder, characterized in that the decreasing of the braking force increment is executed by decreasing braking pressures in the front wheel cylinders.

Regarding claim 6, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 2, wherein the hydraulic circuit comprises a hydraulic circuit connected with a master cylinder and braking force generating apparatus including wheel cylinders provided for the respective wheels; the braking action is reflected in a pressure in the master cylinder; and valves selectively allowing fluid communication between the master cylinder and the rear wheel cylinders, characterized in that the increasing of the rear wheel braking force is executed by opening the valves.

Regarding claim 7, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 5, wherein the hydraulic circuit comprises at least a

Art Unit: 3663

common line supplying at least one of the front wheel cylinders and at least one of the rear wheel cylinders, and at least a pressure regulating valve in the common line regulating a pressure in the common line and selectively fluidly connecting the common line to master cylinder.

Regarding claim 8, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 7, wherein the hydraulic circuit is of cross dual circuit type (sec. 0021).

Regarding claim 9, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 7, wherein the hydraulic circuit is of front-rear dual circuit type.

Regarding claim 10, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 7, wherein the hydraulic circuit comprises valves selectively allowing fluid communication between the common line and the rear wheel cylinders, characterized in that the increasing of the rear wheel braking force is executed by opening the valves.

Regarding claim 11, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 6, wherein the opening of the valves is executed intermittently.

Regarding claim 12, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose a device for controlling braking of a vehicle having front and rear wheels, comprising:

a braking system (figs. 1A&B) generating braking forces on the respective wheels (abstract, sec 0008, 0009, 0019-0021; figs. 1-5);

Art Unit: 3663

at least one sensor 19 (fig. 1B) monitoring an operational condition of the vehicle including a detector detecting an amount of a braking action by a driver of the vehicle (abstract, sec 0008, 0009, 0019-0021; figs. 1-5); and

a controller 92 (fig. 1B) that is configured to execute a braking force distribution control in which braking force on the front wheels is increased in comparison with braking force on the rear wheels (abstract, sec 0008, 0009, 0019-0021; figs. 1-5) when an operational condition monitored by a sensor among the at least one sensor satisfies a predetermined condition, wherein:

braking force on the front wheels during execution of the braking force distribution control is increased (abstract, sec 0008, 0009, 0019-0021; figs. 1-5), but decreased when anti-skid control for either of the front wheels is executed (0062, 0068, 0075; figs. 4-5), or when a condition monitored by the sensor indicates that the braking force distribution control is terminated.

Regarding claim 13, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 12, wherein a rate of decreasing the front wheel braking force when an operational condition monitored by a sensor among the at least one sensor satisfies a predetermined condition for terminating the braking force distribution control is faster than a rate of decreasing the front wheel braking force when anti-skid control for either of the wheels is executed.

Regarding claim 14, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 12, wherein the braking force on the front wheel is

Art Unit: 3663

decreased until the braking force reaches to braking force requested by the braking action by the driver.

Regarding claim 15, Watanabe (abstract, sec 0008, 0009, 0019-0021, 0062, 0068, 0075; figs. 1-5) disclose the device of claim 12, wherein the increase of the braking force on the rear wheels is restricted during execution of the braking force distribution control but allowed when anti-skid control for either of the wheels is executed or when an operational condition monitored by a sensor among the at least one sensor satisfies a predetermined condition for terminating the braking force distribution control.

MPEP 2114

In claims 1, 2, etc, the statements of intended use or field of use, "when antiskid control executed", etc clauses are essentially method limitation or statement of intended or desired use. Thus, the claim as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference. See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

The prior art anticipate the structural limitations in the apparatus claims. Even if the prior art did not perform the method limitations recited in the apparatus claims, which the examiner is not conceding, it is believed that the structural arrangement in the prior art *is capable of* performing the method limitation recited in the apparatus claims.

Art Unit: 3663

Applicant may overcome the MPEP 2114 rejection by using the phrase "configured to" in the limitations.

Response to Arguments

5. Applicant's arguments with respect to claim 8/21/07 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amendment has put the claims in proper format to overcome MPEP 2114/2115

Communication

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/815,765

Page 9

Art Unit: 3663

Ronnie Mancho

Examiner

Art Unit 3663

10/23/2007


JACK KEITH
SUPERVISORY PATENT EXAMINER